

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-4, 7-16, and 19-25 are pending in this application. Claims 5-6 and 17-18 have been canceled without prejudice and disclaimer of subject matter. No claims are amended in this paper.

**II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-4, 13-16, and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,314,235 to Gotoh, et al. (hereinafter, merely “Gotoh”) in view of U.S. Patent No. 6,360,057 to Tsumanari (hereinafter, merely “Tsumanari”) and further in view of U.S. Patent No. 6,205,529 to Shagam (hereinafter, merely “Shagam”).

Claims 7-9 and 19-21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gotoh in view of Tsumanari and Shagam and further in view of U.S. Patent No. 6,373,803 to Ando (hereinafter, merely “Ando”).

Claims 10-12 and 22-24 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gotoh in view of Tsumanari, Shagam, and Ando and further in view of U.S. Patent No. 6,014,368 to Sanami (hereinafter, merely “Sanami”).

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“A recording control apparatus for controlling data recording on a recording medium, comprising:

...**wherein recording of data into the reserved area is terminated when the remaining part of the reserved area is less than the size of a packet to be recorded in the reserved area.**”  
(Emphasis added)

The Office Action (see pages 3 and 4) relies on column 11, lines 31-39 of Gotoh to reject the above-identified features of claim 1. The cited portion of Gotoh describes filling the remaining part of an ECC block with padding data so that the ECC block is filled. The Office Action states that since Gotoh’s ECC block has zero remaining part after the padding data is filled, Gotoh obviously terminates writing of data when remaining part, which is zero, is less than the size of a packet.

Applicants respectfully submit that the Office Action interprets Gotoh incorrectly. Applicants respectfully submit that Gotoh always fills the remaining part of an ECC block with padding data without comparing the remaining part of the ECC block with a packet and terminating the writing according to the results. Applicants respectfully submit that a zero remaining part must be interpreted as “no remaining part exists” instead of “a remaining part with zero capacity”. A zero remaining part cannot be a physical remaining part since such a remaining part has no physical structure.

Applicants submit that Gotoh, Tsumagari, Shagam, Ando, and Sanami, taken alone or in combination, fail to teach or suggest “wherein recording of data into the reserved area is terminated when the remaining part of the reserved area is less than the size of a packet to be recorded in the reserved area”, as recited in claim 1 (emphasis added).

Thus, not only does Gotoh fail to teach or suggest the claimed invention, Gotoh teaches away from the recitations of claim 1. Indeed, a system that fills the remaining part of an ECC block with padding data without comparing the remaining part of the ECC block with a packet and terminating the writing according to the results (Gotoh) teaches away from a system in which recording data into the reserved area is terminated when the remaining part of the reserved area is less than the size of a packet to be recorded in the reserved area, as recited in claim 1.

Therefore, Applicants respectfully submit that independent claim 1 is patentable.

For similar reasons or somewhat similar reasons discussed above regarding independent claim 1, independent claims 13 and 25 are also patentable.

Therefore, Applicants respectfully submit that independent claims 1, 13, and 25 are patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent on independent claim 5 discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

**CONCLUSION**


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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